

REMARKS

Claims 1-5 and 7 remain pending in the above identified application.

Claim Amendments

By this amendment, claim 1 is amended to more clearly define the claimed invention. Support for the above amendments of claim 1 resides at page 10, lines 4-5 and lines 16-21 of the specification. No new matter is added by this amendment.

Withdrawal of Rejection under 35 USC 112 (paragraph two)

Applicants acknowledge with appreciation the withdrawal of the rejection under 35 USC 112 (paragraph two).

Rejection under 35 USC 102(b)/103(a)

Claims 1-4 and 7 stand rejected under 35 USC 102(b)/103(a) as being unpatentable over Alemany et al '423. This rejection is respectfully traversed.

By way of review, the claimed invention is directed to a diaper that is capable of being put on the diaper wearer from either the front or back of the wearer, including in an upright position (e.g., see Figures 3 and 4 of the instant application). Especially, in the upright position, such limitations/properties help in being able to achieve a diaper that hardly leaks and can easily be put on the wearer, even when put on a diaper wearer from the front or back side of the wearer.

It was previously known for a diaper to have a topsheet, a liquid impermeable backsheet, and a liquid retentive absorbent member therebetween, with longitudinal end sections having

fastening tapes with a waist elastic member provided in the waist portion to form an extensible waist part, together with an extensible side part formed in each of a pair of side areas at a below-waist portion.

However, as a result of intensive study, applicants have determined that when such a diaper is placed on backwards, it turned out that bunching or wrinkling occurs between, or in the vicinity of, the extensible side parts. This generates a gap between the wearer's body and the diaper, easily causing leakage. See page 2, lines 22-24 of the specification.

In accordance with the present invention, such problems can be prevented by the combined use of the following:

- The absorbent member is disposed such that its longitudinal end in the longitudinal end section having the fastening tapes is nearer to the waist portion of that section than a centerline parallel to a diaper width direction and dividing each of the extensible side parts into equal halves, and a width of the absorbent member located between the pair of extensible side parts is equal to or greater than a minimum width of the absorbent member located in the crotch section of the diaper; and
- The absorbent member has a flexural stiffness of from 3 to 25 gf/50 mm as measured on a specimen cut out of the area from the longitudinal end of the absorbent member in the section having the fastening tapes to 50 mm inward in accordance with JIS K7171.

Even if the absorbent member of the present invention is arranged nearer to the waist elastic element as in Alemany, the sliding distance in front-to-back diapering becomes large as in Example 2, unless the absorbent member does not satisfy the above latter aspect.

On the other hand, in the case where only the above latter aspect is met, front leakage tends to occur when the diaper is put on from the back, as is the case with Comparative Example 1 ($L4=0.8$, $L3=3$). See the front leakproofness in the front-to-back diapering of Table 1 of the specification. The cited prior art neither discloses nor suggests the above combination of limitations which enable such advantageous results to occur.

Further, as discussed above, the present invention is directed to the solution of successful use of a diaper placed on backwards while preventing leakage either way. Such placement successfully occurs as a result of the following aspects of the claimed invention:

- Two portions on opposite sides of a centerline dividing the length of the diaper into equal halves having a saturation absorption capacity ratio of from 45/55 to 55/45;
- The absorbent member has its middle portion in the length direction narrowed.

If a narrowed portion is formed only in one side of the diaper in the longitudinal direction as a diaper of Alemany, liquid is more likely to leak when the diaper is put on in a normal way, or in a backward way. In addition, in the diaper of Alemany, it is not easy to put the legs into the leg openings, and thus difficult to put on. By use of the above two aspects of the present invention, the diaper can successfully be placed on the wearer backward.

Further, ease of front-to-back diapering is enhanced when the following aspects of the invention are practiced:

- A natural length of the waist elastic member in a state removed from the diaper is from 60 to 80% of a length of the waist elastic member as provided as part of the diaper;
- In the first section, the length of the waist elastic member in the widthwise direction is longer than the length of the absorbent member in the widthwise direction.

Such enhanced front-to-back diapering is demonstrated in relation to Comparative Example 2 which does not include the above first aspect. The Examiner's attention is directed to Example 1 of the present invention in relation to Comparative Example 2 of Table 1.

By way of yet a further distinction over the cited prior art, it is noted that the elastomeric members 76 of Alemany are not provided in a stretched condition as required by the claimed invention.

In view of the above, it is clear that the cited reference fails to disclose or suggest a diaper having the combined beneficial aspects of the claimed invention. Even if one or more of such aspects are, for the sake of argument, suggested, the prior art fails to appreciate the benefit that results from use of a diaper having all claimed aspects of the invention.

The rejection is accordingly without basis and should be withdrawn.

Rejection under 35 USC 103(a)

Claim 5 stands rejected under 35 USC 103(a) as being unpatentable over Alemany et al '423 in view of Breitkopf '008. This rejection is respectfully traversed.

The deficiencies of Alemany et al '423 are discussed at length above. In view of such deficiencies, the combined teachings of the cited references cannot result in the claimed invention. The rejection is thus without basis and should be withdrawn.

The application is now believed to be in condition for allowance. An early indication of same earnestly is solicited.

A check in the amount of \$120.00 is attached as payment for the requested one month extension of time.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Application No. 10/626,559

Docket No.: 0445-0339P

Should the Examiner have any questions concerning the instant reply, the Examiner is respectfully requested to contact the undersigned at the telephone number provided, in order to help expedite further prosecution of this case to allowance.



Dated: **AUG 03 2006**

Respectfully submitted,



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